

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DATE: February 12, 2013

LEONARD DAVIS
Judge Presiding

Court Reporter: Shea Sloan

Law Clerk: Gabrielle LaHatte

Court Administrator: Rosa L Ferguson

VIRNETX INC. V CISCO SYSTEMS, INC., ET AL	CIVIL ACTION NO: 6:10-CV-417 STATUS CONFERENCE
VIRNETX INC. V MITEL NETWORKS CORPORATION, ET AL	CIVIL ACTION NO: 6:11-CV-18 STATUS CONVERENCE
ATTORNEYS FOR PLAINTIFF	ATTORNEYS FOR DEFENDANTS
SEE SIGN-IN SHEETS	

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 1:00 PM

ADJOURN: 1:30 pm

TIME:	MINUTES:
1:00 pm	Case called. PARTIES ANNOUNCED READY. (SEE SIGN-IN SHEETS)
	Court addressed the parties regarding the trial plan.
	Mr. Cawley addressed the Court and is no longer in conflict with the other Court. Mr. Cawley addressed the Court on the trial against Cisco and Avaya and would like separate trials, with Cisco going first unless it settles by pretrial on February 28, and then Avaya would be tried. However, if Cisco does not settle, Mr. Cawley requests trial for Avaya in July.
	Mr. Desmarais responded and Mr. Green responded and both in agreement with moving Avaya to July.
	Court inquired as to why waiting until July. Mr. Cawley responded and most of the counsel has conflicts with the interim months.
	Court will set both Cisco and Avaya for trial on March 4, provided Cisco settles by pretrial. If Cisco goes, then Court will move Avaya to July or later.
	Court addressed Mr. Desmarais on the conflict in Sherman. Mr. Desmarais responded and

TIME:	MINUTES:
	outlined that he will be available although his firm and some of the trial team have settings in two courts, but will work it out. Court addressed the parties and will pick Jury on March 4 th and will immediately go into trial on the March 4 th .
	Mr. Desmarais addressed the Court on trial times. Mr. Desmarais outlined the numerous patents and the differences in them. Mr. Desmarais outlined they will need 25 hours per side. Court inquired if Apple was severed, how much time would parties needed.
	Mr. Desmarais addressed the Court on the VirnetX's number of claims being narrowed to 25, and the validity issues.
	Mr. Cassady responded as to the Apple trial and the differences in claims of those trials, and the trial time. Mr. Cassady outlined that they are down to 25 claims. Mr. Cassady addressed the Court on the Apple verdict and the motion that was filed yesterday.
	Court addressed the parties and will come up with some times for trial. Court inquired as to mediation. Mr. Desmarais responded. Mr. Cawley responded. Mr. Cassady
1:30 pm	There being nothing further, Court adjourned.